

**PUBLIC NOTICE
OF INTENT TO PROPOSE OR PROMULGATE
NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

**IDAPA 02 - DEPARTMENT OF AGRICULTURE
P.O. Box 790, Boise, Idaho 83701-0790**

Docket No. **02-0629-9701**, Rules Creating the Elba Seed Management Area. Repeal of chapter. Comment By: September 24, 1997.

**IDAPA 07 - DIVISION OF BUILDING SAFETY
P.O. Box 83720, Boise, Idaho 83720-0048**

Docket No. **07-0101-9701**, Rules Governing Electrical Inspection Tags. Provides exemption from licensing for any property owner regardless of the type of property; defines the inspection before cover, and final inspection, requirements; clarifies the licensing requirements of employees of industrial accounts. Comment By: September 24, 1997.

Docket No. **07-0104-9701**, Rules Governing Electrical Specialty Licensing. Repeals license requirements for mobile home dealers; excludes licensing requirements for the installation of communication circuits; allows persons licensed in this category to install, maintain, repair and replace all electrical equipment, including the disconnecting device for domestic water pumps; deletes obsolete rules. Comment By: September 24, 1997.

Docket No. **07-0108-9701**, Rules Governing Appeals. Allows for a Preliminary Order procedure and review by the Administrator or by any party pursuant to Idaho Code; changes chapter to "Electrical Inspection Tag Appeals." Comment By: September 24, 1997.

**IDAPA 13 - FISH AND GAME COMMISSION
P.O. Box 25, Boise, Idaho 83707**

Docket No. **13-0109-9703**, Rules Governing the Taking of Game Birds. Changes in tags, stamps, permits, validations, and clarifies 1997 hunts; changes controlled hunt procedures for 1997 sandhill crane hunts and sets seasons and limits for 1997 sandhill crane hunts; changes general and controlled hunt procedures and seasons and limits for 1997 early September Canada goose hunts. Comment By: September 24, 1997.

Docket No. **13-0114-9701**, Rules Governing Falconry. Clarifies what permits, licenses, and validations are required by nonresidents and residents; and allows nonresidents to capture goshawks and residents to capture ferruginous hawks. Comment By: September 24, 1997.

**IDAPA 15 - OFFICE OF THE GOVERNOR - IDAHO COMMISSION ON AGING
P.O. Box 83720, Boise, Idaho 83720-0007**

Docket No. **15-0101-9701**, Rules Governing Idaho Senior Services Program. Rewrite of chapter. Comment by: September 24, 1997.

Docket No. **15-0101-9702**, Rules Governing Idaho Senior Services Program. Repeal of chapter. Comment By: September 24, 1997.

Docket No. **15-0102-9701**, Rules Governing Area Agency Adult Protection Services. Rewrite of chapter. Comment By: September 24, 1997.

Docket No. **15-0102-9702**, Rules Governing Senior Homemaker Services. Repeal of chapter. Comment By: September 24, 1997.

Docket No. **15-0103-9701**, Rules Governing Ombudsman for the Elderly. Rewrite of chapter. Comment By: September 24, 1997.

Docket No. **15-0103-9702**, Rules Governing Care Coordination for the Elderly. Repeal of chapter. Comment By: September 24, 1997.

Docket No. **15-0120-9701**, Rules Governing Area Agency On Aging (AAA) Operations. New chapter addresses issues of designation and de-designation of area agencies on aging, contracting requirements, and financial management. Comment By: September 24, 1997.

Docket No. **15-0121-9701**, Rules Governing Older Americans Act Services. New chapter establishes new rules for nutrition, information and assistance, transportation, outreach and legal assistance services for the Elderly. Comment By: September 24, 1997.

Docket No. **15-0130-9701**, Rules Governing Senior Community Service Employment Program (SCSEP). New chapter addresses need for local coordination of SCSEP services with 5% Job Training Partnership Act Program services and Area Agency on Aging services; specifies that subgrantee selection shall be done as agreed in grant with the U.S. Department of Labor; states criteria for removing an enrollee from the SCSEP program for failure to comply with the terms of the enrollee's employment plan. Comment By: September 24, 1997.

Docket No. **15-0131-9701**, Rules Governing Older Worker Job Training Partnership Act Program (JTPA). New chapter addresses need for local coordination of the JTPA Older Worker Program with the state-administered SCSEP and Area Agency on Aging services; and specifies that subgrantee selection shall be done as provided in the 5% JTPA Older Worker State Plan. Comment By: September 24, 1997.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

P.O. Box 83720, Boise, Idaho 83720-0036

Docket No. **16-0105-9702**, Rules and Standards for Hazardous Waste. Incorporates changes made in the Code of Federal Regulations and implements statutory changes. Comment By: September 24, 1997.

Docket No. **16-0208-9701**, Rules Governing Vital Statistics. Change interprets Idaho Code, Section 39-255 (e)(4) relating to the certificate of birth to mean "no other information about the father" includes his surname. Comment By: September 24, 1997.

Docket No. **16-0304-9704**, Rules Governing the Food Stamp Program. Changes and adds definitions and abbreviations for electronic benefits transfer; deletes criteria for eligibility of legal non-citizens participating in August 22, 1996 who had their eligibility determined using the new criteria between April and August of 1997; deletes pending adoption as good cause for failure to cooperate in establishing paternity and obtaining support for a minor child and makes good cause for Food Stamps consistent with TAFI policy; and changes term "coupon return" to "coupons" in those sections dealing with repayment of claims. Comment By: September 24, 1997.

Docket No. **16-0305-9703**, Rules Governing Aid to the Aged, Blind, and Disabled. Adds policy for paying AABD participants using direct deposit and Electronic Benefits Transfer (EBT) rather than the State warrant system. Comment By: September 24, 1997.

Docket No. **16-0306-9701**, Rules Governing Refugee Resettlement. Changes correct references to cite TAFI rules instead of AFDC rules; defines that the AFDC program, as it was in effect on June 30, 1997 is the standard for determining eligibility for Refugee Cash and Medical Assistance as required by federal regulation; requires that newly admitted Refugees will be eligible for Refugee Cash or Medical Assistance only if they are not eligible for TAFI assistance; and changes references to AFDC to TAFI where they refer to the current program, and Refugees, resettlement agencies, and refugee service providers. Comment By: September 24, 1997.

Docket No. **16-0309-9710**, Rules Governing Medical Assistance. Expands Medicaid coverage to allow screening mammographies to be allowed for women at least forty years of age once per calendar year. Covered mammographies must be performed with certified or certifiable mammography equipment and staff. Comment By: September 24, 1997.

Docket No. **16-0320-9701**, Rules Governing Electronic Benefits Transfer (EBT) of Public Assistance and Food Stamps. New rules govern the issuance of public assistance and Food Stamp benefits by electronic benefit transfer (EBT). This is an issuance system, when implemented statewide, will replace the issuance of State warrants for cash payments and Food Stamp coupon booklets. Comment By: September 24, 1997.

IDAPA 18 - DEPARTMENT OF INSURANCE
P.O. Box 83720, Boise, Idaho 83720-0043

Docket No. **18-0152-9701**, Statistical Reporting by Insurance Carriers. Repeal of chapter. Comment By: September 24, 1997.

Docket No. **18-0154-9701**, Medicare Supplement Minimum Standards. Changes adhere to Public Law 104-191, by amending "Appendix D" relating to disclosure statements for health insurance sold to Medicare beneficiaries. Comment By: September 24, 1997.

Docket No. **18-0155-9701**, Rules Governing Fire Safety Standards for Day Care. Establishes new staff to children ratios for facilities licensed to provide day care for 13 or more children based on amendments to Idaho Code. Comment By: September 24, 1997.

Docket No. **18-0163-9701**, Rules Governing Underground Storage Tank Technician Certification. Repeal of chapter. Comment By: September 24, 1997.

Docket No. **18-0165-9701**, Rules for Surplus Line Brokers. Changes conform to House Bill No. 197 and includes increasing bond requirement for surplus lines brokers; requiring issuance of a "white list" of companies eligible to write surplus line business in Idaho; requiring brokers place surplus line business only with these companies; and providing that brokers receive timely notice of additions and changes to the "white list;" replaces reference to "Executive Committee" with "Board of Directors;" and requires Department approval of stamping fee rate established by the Board. Comment By: September 24, 1997.

IDAPA 20 - IDAHO DEPARTMENT OF LANDS
P.O. Box 83720, Boise, Idaho 83720-0050

Docket No. **20-0201-9701**, Rules Governing the Forest Practices Act. Amends notification rules to eliminate redundancy and clarify when a notice of forest practice is required; amends use of chemicals rules to comply with Idaho Department of Agriculture Pesticide rules and to include petroleum Storage Rules; addresses cumulative watershed effects on forest lands. Comment By: September 24, 1997.

Docket No. **20-0302-9701**, Rules Governing Exploration and Surface Mining in Idaho. Allows exemption for county or governmental agencies complying with plan provisions of statute and from bonding of surface mining plans when using materials from public projects; adds requirement for notifying cities and counties of proposed mining operations within their boundaries; provides new bond rates and bonding provisions; adds requirement of operating plan in certain instances; provides clarification and information in BMP requirements. Comment By: September 24, 1997.

Docket No. **20-0304-9701**, Rules for the Regulation of Beds, Waters, and Airspace of Navigable Lakes in the State of Idaho. Issuance of a permit shall be contingent upon the applicant submitting an application to make an encroachment in a navigable waterway of the state pursuant to the Lake Protection Act, Chapter 13, Title 58, Idaho Code. Comment By: September 24, 1997.

IDAPA 35 - STATE TAX COMMISSION
P.O. Box 36, Boise, Idaho 83722

Docket No. **35-0101-9701**, Rules Governing Sales Tax. Copies of the MTC special industry regulations can be obtained from Tax Commission offices; discusses the apportionment of income by a financial institution; adopts the MTC recommended formula for financial institutions; and defines financial institution. Comment By: September 24, 1997.

Docket No. **35-0103-9705**, Rules Governing Property Taxation. Deletes obsolete rules. Comment By: September 24, 1997.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

P.O. Box 83720, Boise, Idaho 83720-0003

Docket No. **38-0405-9701**, Rules Governing Management of State-owned Dwellings. New chapter adheres to Idaho statute mandating the Administrator of the Division of Public Works to adopt rules governing the management of state-owned dwellings. Comment By: September 24, 1997.

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

P.O. Box 83720, Boise, Idaho 83720-0096

Docket No. **47-0102-9701**, Rules Governing Field Services. Changes remove Instructions for Completing the Individual Financial Needs Assessment form because it is not policy; and inclusion of policy regarding Authorization for Services. Comment By: September 24, 1997.

Docket No. **47-0103-9701**, Rules Governing Management Services. Increases the maximum fee amounts by \$15 each for Ophthalmologist/optometrist and audiology services; allows Division to use the Medicaid allowable on payment for services where applicable. Comment By: September 24, 1997.

PUBLIC HEARINGS - Public Hearings have been scheduled for the following dockets:

State Board of Education

Docket No. **08-0202-9701** - Rules Governing Uniformity

Department of Lands

Docket No. **20-0201-9701** - Rules Governing the Idaho Forest Practices Act

Docket No. **20-0304-9701** - Rules for the Regulation of Beds, Waters, and Airspace of Navigable Lakes in the State of Idaho

Division of Vocational Rehabilitation

Docket No. **47-0102-9701** - Rules Governing Field Services

Docket No. **47-0103-9701** - Rules Governing Management Services

Please refer to the Idaho Administrative Bulletin, **September 3, 1997, Volume 97-9** for notices and text of all rule-makings, public hearing schedules, governor's executive orders, and agency contact names.

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